

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM BRANCH	:	
Plaintiff	:	
	:	No. 1:CV 01-1728
v.	:	
	:	
CO RUSSIAN, et al.	:	(Judge Conner)
Defendants	:	
	:	ELECTRONICALLY FILED

MOTION TO CONTINUE TRIAL TO LATER DATE

Defendants, by their attorneys, hereby ask the Court to continue the trial in this case now scheduled for February 23, 2004, to a later date. In support of this motion, defendants state the following:

1. By order dated November 5, 2003, the Court scheduled a non-jury trial in this case on February 23, 2004. Undersigned Counsel was out of the office due to illness when the order was electronically filed and so some time passed before she learned of the existence of the order.

2. Counsel has long-standing plans to be out of the country from February 14 until February 28, 2004, and did not plan to return to the work until March 1, 2004. These plans make it impossible for Counsel to try this case on the date set by the order.

3. Counsel has asked her colleagues to try the case in her stead and no

other attorney in the Office of General's Litigation Section has agreed to do so, citing a lack of familiarity with the case and insufficient time between now and the end of February, 2004, within which to prepare adequately for trial.

4. Neither the defendants nor Undersigned Counsel are aware of any reason why continuing the trial would prejudice the plaintiff. And, granting a continuance would enable the Court to conserve judicial resources by affording defendants time to obtain leave to file a summary judgment motion that would likely obviate the need for trial.

5. Accordingly, defendants request that the non-jury trial scheduled on February 23, 2004, be continued to a later date.

WHEREFORE, defendants ask the Court to grant their motion and continue the trial scheduled on February 23, 2004, to a later date.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By: s/Gwendolyn T. Mosley
GWENDOLYN T. MOSLEY

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

Office of Attorney General
15th Flr., Strawberry Sq.
Harrisburg, PA 17120
FAX: (717) 772-4526
Direct Dial: (717) 787-1180
DATE: November 21, 2003

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM BRANCH	:	
Plaintiff	:	
	:	No. 1:CV 01-1728
v.	:	
	:	
CO RUSSIAN, et al.	:	(Judge Conner)
Defendants	:	
	:	ELECTRONICALLY FILED

CERTIFICATE OF SERVICE

I, **GWENDOLYN T. MOSLEY**, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on **November 21, 2003**, I caused to be served a true and correct copy of the foregoing document **Motion To Continue Trial To Later Date**, by the electronic filing system of the United States District Court for the Middle District of Pennsylvania and or by depositing it in the United States mail, first-class postage prepaid to the following:

**William Branch, CF-3756
SCI-Waymart
P.O. Box 256
Waymart, PA 18472**

s/Gwendolyn T. Mosley
GWENDOLYN T. MOSLEY
Senior Deputy Attorney General